

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

In sections 1-2, the Examiner rejected claims 1-4, 6, 7, 11, 12, 15, and 21 under 35 U.S.C. §103(a) as being unpatentable over Petersen et al. in view of McNew. The Examiner states that Petersen et al. disclose a cabinet seat support comprising a base (3); upstanding sidewalls (3) forming an enclosure (Fig. 5); a drawer (4); said cabinet disposed between the cab seat (2) and the floor (Fig. 4) and supporting the cab seat (Figs. 4 and 5). The rejection is traversed.

Claim 1 has been substantially amended to clarify that Applicant's cabinet has an integral file drawer, the file drawer is integrally and slidably secured to side rails of the cabinet, the cabinet is directly underneath a front seat of a vehicle cab, and that the file drawer is accessible to a person seated in a front seat of the vehicle cab. Neither Petersen et al. nor McNew have any of these limitations.

Petersen et al. discloses a carrier frame (4c), best illustrated in Fig. 5. That carrier frame (4c) supports separate (non-integral) container or storage case (5). The user (a person standing outside the vehicle) pulls out the carrier frame (4c), loads the separate container (5) onto the carrier frame (4c) (best illustrated in Fig. 1) and then the carrier frame slides underneath the seat so that the container is stowed underneath the seat. The Examiner noted Applicant's limitation that the seat is a front passenger seat, and that Petersen et al. do not disclose that the cab seat is a front seat. The Examiner argued that Petersen et al. disclose in the English language abstract that the storage device can be extended into a free space formed between two neighboring seats. The Examiner stated that she believed it would have been obvious to one of ordinary skill in the art at the time of the invention to make neighboring seats the front seats.

These arguments do not address Applicant's claims limitations that the cabinet and file drawer are underneath the front seat. Applicant has further amended his claims to clarify that the cabinet is disposed directly between the front cab seat and the front cab floor, the upstanding walls of the cabinet are disposed directly underneath the front seat, and the file drawer (in a closed position) is directly underneath the front seat.

McNew does not cure the deficiencies of Petersen et al. McNew is an extremely large filing cabinet with a lid located between seats and not underneath cab seats at all. McNew never contemplates

disposing the filing cabinet underneath or supporting a seat, and it in fact teaches away from such use. The essence of McNew is that it has a double-duty function of serving as a security file cabinet and as a desk or writing surface on its lid (col. 1, lines 60-65). Thus, one would not combine an underneath seat cabinet (Petersen et al.) with an exposed cabinet having a lid useful as a writing surface (McNew). Further, Petersen et al. is a side opening cabinet and McNew is a top opening cabinet. In these regards, they are not at all analogous. Even if one could combine such cabinets (which would be impossible, given the nature of each device), it would not result in Applicant's cabinet. In particular, it would not result in Applicant's claimed invention of: a cabinet with an integral file drawer; a cabinet disposed directly underneath a front seat of the vehicle cab; a file drawer integrally and slidably secured to side rails of the cabinet, and which slides out the front, sides or back of the cabinet (not the top); and that the file drawer is accessible to a person seated in a front seat of the vehicle.

The Examiner notes that McNew discloses a filing cabinet for use in a vehicle which is accessible by the vehicle operator without the operator having to exit the vehicle. Of course it is accessible as the McNew cabinet is not located underneath any seat, and is located in the back of the cab. To use the McNew cabinet is like reaching back to a cooler sitting in the back and lifting the lid. This is unlike Applicant's invention which has a cabinet and file drawer underneath a front seat and is accessible to a front passenger or operator without exiting the vehicle.

Claims 2-5, 7-12, and 15 have been amended to clarify the present invention and to correct antecedent basis based on amended claim 1.

Concerning claim 4, neither Petersen et al. nor McNew disclose or suggest a small compartment on the access panel of the file drawer. The Examiner did not previously address the "further comprising" language of claim 4, and referred to the Petersen et al. storage container (5) as also being the small compartment.

Concerning claim 6, regarding DOT classes 6-8 vehicles, the Examiner has not cited a single reference to filing drawers in such vehicles. To the contrary, all the references are directed to providing new devices to passenger vehicles, for increasing comfort and efficiency.

Therefore, it is believed amended claim 1 is patentable. Claims 2-4, 6, 7, 11, 12, 15, and 21-25 depend either directly or indirectly from claim 1 and so are also believed to be patentable.

In section 3 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Pearse et al. ("Pearse"). Pearse discloses a seating and storage system for a vehicle that includes a seat bottom that is operable to be pivoted away from the base to expose various embodiments of storage compartments underneath the seat bottom. Claim 5 recites that a storage compartment is disposed on an outer face of said access panel of said file drawer and depends from claim 1, which recites that the seat is disposed in a front cab. In contrast, the storage compartments of Pearse are each disposed underneath a rear seat and are accessible only when the seat is pivoted to expose the storage compartments and are not accessible to a person in the front seat without having to exit the vehicle. The combination of Pearse with Petersen and McNew would not produce the invention as defined in amended claim 5. Furthermore, amended claim 5 depends indirectly from amended claim 1, which is believed to be patentable and, therefore, claim 5 is believed to be patentable.

In section 4 of the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Hofmann et al. Hoffman discloses an underseat storage system that includes a seat bottom that is operable to be pivoted away from the base for accessing a drawer underneath the seat bottom. Because, as stated above, the combination of Petersen and McNew would not produce the invention as defined in amended claim 1, the addition of the under seat storage system of Hofmann would not produce the invention as defined in amended claims 8-10 because amended claims 8-10 each depend indirectly from amended claim 1, which is believed to be patentable and, therefore, claims 8-10 are believed to be patentable.

In section 5 of the Office Action, the Examiner rejected claims 12, 13, 14, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Petersen in view of McNew and further in view of Carico.

Claims 12-14 each depend, either directly or indirectly from amended claim 1 and, therefore, are believed to be patentable. Furthermore, the combination of Petersen, McNew and Carico would not produce the invention as defined in amended claims 12-14.

Applicants have cancelled claims 19 and 20 and have amended claim 16 and 17 to clarify that the present invention includes a base support, that the cabinet is located in a front cab or driver compartment

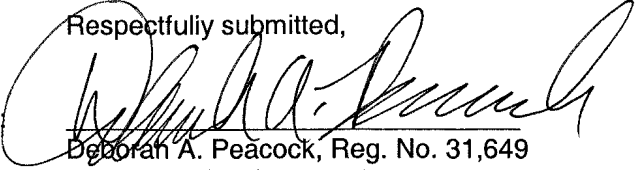
and located directly underneath a front seat. The combination of Petersen, McNew and Carico would not produce the invention as defined in amended claims 16-17.

As Applicant has stated in previous responses, Carico does not cure the deficiencies noted above. Further, the Examiner does not discuss what vehicle conditions cause operation of a lock in Carico. The present invention includes a container or cabinet with a locking mechanism that is in communication with a vehicle component (not a driver or passenger) that communicates an on and/or off signal. The locking mechanism is not simply operable in response to vehicle conditions, but specifically to a vehicle component communicating an on/off signal. This feature is further limited (and exemplified) in the claims wherein such a vehicle component is of the air brake system of a large truck. Such air brakes can be in communication with the locking mechanism as described in the specification so that when the driver sets the brakes, only then can the drawer be opened. Carico does not provide any such signaling component. Furthermore, Carico relates to a drawer whose face is outside the vehicle, not inside the vehicle as in the present invention. Again, the drawer cannot be accessed without exiting the vehicle, teaching away from the present invention.

New dependent claims 22-25 have been added to further define and clarify the scope of the invention. None of the cited references show or suggest the invention as defined by new claims 22-25. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

In view of the above remarks, it is respectfully submitted that all grounds of rejection and objection have been traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

By: Deborah A. Peacock, Reg. No. 31,649
Direct line: (505) 998-1501

PEACOCK MYERS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Customer No. 005179

G:\AMDS\Bradley_OA Resp_102006.doc